

1 STEVEN G. KALAR
Federal Public Defender
2 ELLEN V. LEONIDA
Assistant Federal Public Defender
3 555 - 12th Street, Suite 650
Oakland, CA 94607-3627
4 Telephone: (510) 637-3500
Facsimile: (510) 637-3507
5 ellen_leonida@fd.org
6 Counsel for Defendant
GENARO DOMINGUEZ CHAVEZ
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 GENARO DOMINGUEZ CHAVEZ,

15 Defendant.

4-13-70375 MAG

STIPULATION TO CONTINUANCE
AND EXCLUSION OF TIME UNDER
THE SPEEDY TRIAL ACT, 18 U.S.C. §
3161 ET. SEQ.; ORDER

16
17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the
18 arraignment date of April 24, 2013 presently scheduled at 9:30 a.m., before the Honorable Donna
19 M. Ryu, be vacated and re-set for May 9, 2013 at 9:30 a.m.

20 The requested continuance is necessary because defense counsel has recently received
21 discovery and requires times to review it. The parties are presently negotiating a potential pre-
22 indictment plea. The parties agree that an extension of time for the filing of an indictment, pursuant
23 to 18 U.S.C. § 3161(b) and (h), is in the best interest of the defendant and the government and will
24 provide the parties with necessary time to review discovery in the case and discuss a plea agreement.

25 The parties agree and stipulate that the time until May 9, 2013 should be excluded, under
26

1 18 U.S.C. §3161(h)(7)(A) and 18 U.S.C. §3161(h)(7)(B)(iv), because the ends of justice served by
 2 the granting of the continuance outweigh the best interests of the public and the defendant in a
 3 speedy and public trial. The parties further agree that the time for conducting a preliminary hearing
 4 should be extended, under Rule of Criminal Procedure 5.1(d) for the reasons stated above and with
 5 the consent of the defendant. The continuance is necessary to afford the Defendant effective
 6 preparation of counsel.

7 Date: April 23, 2013

8 /s/
 ELLEN V. LEONIDA
 Assistant Federal Public Defender
 Counsel for defendant Genaro Chavez

10 Date: April 23, 2013

11 /s/
 KEVIN J. BARRY
 Assistant United States Attorney

13 ORDER

14 The court finds that the ends of justice served by the granting of the continuance outweigh
 15 the best interests of the public and the defendant in a speedy and public trial. The continuance is
 16 necessary to afford the defendant effective preparation of counsel. Based on these findings, IT IS
 17 HEREBY ORDERED THAT the above-captioned matter is continued to May 9, 2013 at 9:30 a.m.,
 18 before the Oakland Duty Magistrate, and that time is excluded until May 9, 2013 pursuant to 18
 19 U.S.C. § 3161(h)(7)(a) and 18 U.S.C. §3161(h)(7)(B)(iv). For good cause, and with the consent of
 20 the defendant, the time for conducting a preliminary hearing is extended to May 9, 2013 pursuant
 21 to Rule 5.1(d).

22 IT IS SO ORDERED.

23 4/23/2013

24 Date

25 
 26 HON. DONNA M. RYU
 UNITED STATES MAGISTRATE JUDGE